

CIVIL COVER SHEET

This JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS DIANE WIELAND and THOMAS WIELAND (b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES) Cuyahoga County, Ohio (c) Attorney's (Firm, Name, Address and Telephone Number) William J Novak and Michelle D Bogle Novak Robenault & Pavlik LLP 1660 West Second Street, Suite 950 Cleveland, Ohio 44113 216/781-8700		DEFENDANTS NOVARTIS PHARMACEUTICALS CORPORATION County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) Attorneys (If Known) Matthew L. Snyder Brzytwa Quick & McCrystal LLC 1660 West Second Street, Suite 900 Cleveland, Ohio 44113 (216) 664-6900			
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff (For Diversity Cases Only) And One Box for Defendant)			
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)		PLT Citizen of this State <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	DEF <input type="checkbox"/> 2 <input type="checkbox"/> 2	PLT DEI Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4 <input type="checkbox"/> 4	
<input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Includes Citizenship of Parties in Item III)		Citizen of Another State <input type="checkbox"/> 2	Citizen or Subject of Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3	Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6	
IV. NATURE OF SUIT (Place an "X" in One Box Only)				FOREFEITURE/PENALTY	
CONTRACT		TORTS		BANKRUPTCY	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Over-payment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Exc. Veterans) <input type="checkbox"/> 153 Recovery of Over-payment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		Personal Injury Personal Injury <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 362 Personal Injury <input type="checkbox"/> 315 Airplane Injury Med. Mal Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 368 Asbestos Employers Liability <input type="checkbox"/> 340 Marine Product Liability PERSONAL PROPERTY <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 350 Motor Vehicle Product Liability <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 380 Other Personal Property <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 422 Appeal 28 USC 1581 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
REAL PROPERTY		CIVIL RIGHTS		SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		PETITIONERS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/ Disabilities- Employment <input type="checkbox"/> 446 Amer. w/ Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights		HABENS CORPUS: <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	
VI. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Removal based upon 28 U.S.C. §§ 1332, 1441, and 1446 Brief description of cause: Alleged injuries from prescription medication.		FEDERAL TAX SUITS <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P.23		DEMAND \$ _____	CHECK YES only if demanded in complaint JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
VIII. RELATED CASE(S) IF ANY (See Instructions)		JUDGE: _____		DOCKET NUMBER: _____	
Date: 2/23/2010 FOR OFFICE USE ONLY					

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Please check one category only).

1. General Civil
2. Administrative Review/Social Security
3. Habeas Corpus Death Penalty

"If under Title 28, §2255, name the SENTENCING JUDGE: _____
CASE NUMBER: _____

II. **RELATED OR REFILED CASES.** See LR 3.1 which provided in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action is RELATED to another PENDING civil case. This action is REFILED pursuant to LR 3.1.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant** If the defendant resides in a county within this district, please set forth the name of such county.

COUNTY: Cuyahoga County, Ohio

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principle place of business in that district.

(2) **Non-Resident defendant** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

COUNTY:

(3) **Other Cases.** If no defendant is a resident of the district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

AKRON (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)
 CLEVELAND (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)
 YOUNGSTOWN (Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

TOLEDO (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot)